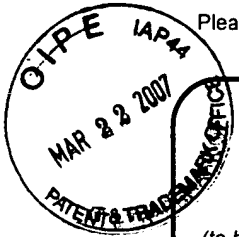


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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/835,376
Filing Date	April 7, 2001
Inventor(s)	David A. Jablow
Group Art Unit	2155
Examiner Name	S. Ismail
Attorney Docket Number	129250-000902/US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) <input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal, <u>Brief</u> , Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice Regarding Previous Payment of Fee & Request For Refund/Credit
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC	Attorney Name	John E. Curtin	Reg. No.	37,602
Signature					
Date	March 22, 2007				



IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/835,376

Filing Date: April 17, 2001

Applicant: David A. JABLOW

Group Art Unit: 2155

Examiner: Shawki S. Ismail

Title: METHODS AND SYSTEMS FOR PROVIDING
PERSONALIZED NOTIFICATION

Attorney Docket: 129250-000902/US

APPLICANT'S/APPELLANT'S BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

March 22, 2007



APPELLANTS' BRIEF ON APPEAL

U.S. Application No.: 09/835,376

Atty. Docket: 129250-000902/US

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APPELLANT'S BRIEF ON APPEAL

REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office and recorded at Reel 011980, Frame 0919.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-5, 8-24, 27-39 and 42-52 are pending in the application, with claims 1, 20 and 35 written in independent form.

Claims 1-5, 8-24, 27-39 and 42-52 were finally rejected under 35 U.S.C. §103(a). Claims 1-5, 8-24, 27-39 and 42-52 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on December 4, 2006. In an Advisory Action dated December 20, 2006, the Examiner stated that the Request was considered but did not place the application in condition for allowance. Further, the Examiner stated that the claim amendments contained in the Request would not be entered. Though Appellant disagrees with the Examiner's decision he has chosen to proceed with the instant appeal without relying upon the amendments made in the Request.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

(i). Overview of the Subject Matter of the Independent Claims

The present invention is directed at personalized notifications. In particular, such notifications concern an event a user (of a claimed notification system or method) is participating in. More specifically, independent claim 1 reads as follows (specification citations follow in parenthesis):

**1. A system for providing personalized notification comprising:
a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.**

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], and [0050] for example).

**20. A method for providing personalized notification comprising:
comparing personal information and administrative information related to an event a user is participating in; and
sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.**

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], and [0050] for example).

35. A programmed medium adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

(see specification, paragraphs [0005] through [0009], [0019], [0020], [0026], [0029] through [0035], and [0042] through [0045], [0049] and [0050] for example).

In order to make the overview set forth above concise the disclosure that has been included, or referred to, above only represents a portion of the total disclosure set forth in the Specification that supports the independent claims.

(ii). The Remainder of the Specification Also Supports the Claims

The Appellant notes that there may be additional disclosure in the Specification that also supports the independent and dependent claims. Further, by referring to the disclosure above the Appellant does not represent that this is the only evidence that supports the independent claims nor does Appellant necessarily represent that this disclosure can be used to fully interpret the claims of the present invention. Instead, this disclosure is an overview of the claimed subject matter.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

Appellant seeks the Board's review and reversal of the rejection of claims 1-5, 8-24, 27-39 and 42-52 under 35 U.S.C. §103(a) based on a combination of U.S. Patent No. 6,454,650 to Aronin ("Aronin") and U.S. Patent No. 6,144,942 to Ruckdashel ("Ruckdashel").

VII. ARGUMENTS:

A. The Section 103 Rejections

Claims 1-5, 8-24, 27-39 and 42-52 were rejected under 35 U.S.C. §103(a) based on a combination of Aronin and Ruckdashel. Appellant disagrees for at least the following reasons.

As the Examiner admits, Aronin does not disclose the sending of a personalized notification, using a user's preferred method of notification, to a user concerning the user's participation in an event as in the claims of the

present invention. To make up for this deficiency the Examiner relies upon Ruckdashel.

Ruckdashel, however, does not disclose or suggest the sending of a notification using a user's preferred method of notification concerning an event the user *is participating in*. Ruckdashel is similar to the references that the Examiner has previously asserted and withdrawn in that it pertains to events a user may participate in.

For example, Ruckdashel states that a notification may be sent "to notify one of the users....of upcoming events on their schedules" (column 4, lines 14-15), or sent "as the specified appointment approaches" (column 5, line 34).

As the Appellant has stated before, the present claims are not directed to an event a user is interested in or may participate in. Instead, the present claims are directed to events a user is "participating in" and related notifications.

Further, Appellant has pointed out (and reiterates now) that the claims include a notification that is: (1) sent via a preferred method of notification; and (2) is related to an event a user is participating in. While Ruckdashel may disclose the former, it does not disclose or suggest the latter.

On page 5 of the Final Office Action, under the heading "Response to Arguments" the Examiner states that "the claims are given their broadest reasonable interpretation" as a rationale for maintaining the pending rejections. Further, the Examiner states that because the claims do not "specify their participation level or type of participation" the fact "that the user or individual is scheduled to partake in an event and is receiving notification...[the user] is by definition a participant in the event". Applicant respectfully disagrees.

Notwithstanding the Examiner's position that the claims are given their broadest possible interpretation, such an interpretation must be consistent

with the meaning of the words in the specification and cannot distort the meaning of the words in a claim.

Though it is not altogether clear to the Appellant what the Examiner's exact position is, it appears that the Examiner is equating the reception of a notification about an event a user is scheduled to participate in with a notification concerning an event a user is participating in. However, a notification in and of itself is not participation. Further, the claims use the present, active tense, "is participating in" while Ruckdashel is aimed at a user's future, planned participation.

Accordingly, Appellant respectfully submits that claims 1-5, 8-24, 27-39 and 42-52 would not have been obvious to one of ordinary skill in the art at the time the present application was filed based on the disclosures of Aronin and Ruckdashel.

Conclusion:

Appellant respectfully requests that the members of the Board reverse the decision of the Examiner and allow claims 1-5, 8-24, 27-39 and 42-52.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Capitol Patent & Trademark Law Firm, PLLC

By: 

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VIII. CLAIMS APPENDIX

1. A system for providing personalized notification comprising:
a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.
2. The system as in claim 1 wherein the event is a lottery.
3. The system as in claim 1 wherein the event is a sports or entertainment event.
4. The system as in claim 1 wherein the event is an educational event.
5. The system as in claim 1 wherein the event is an exam.
6. (Cancelled)
7. (Cancelled)
8. The system as in claim 1 wherein the controller is further adapted to send the notification via email.
9. The system as in claim 1 wherein the controller is further adapted to send the notification via a daytime telephone number.

10. The system as in claim 1 wherein the controller is further adapted to send the notification via a nighttime telephone number.

11. The system as in claim 1 wherein the controller is further adapted to send the notification via facsimile.

12. The system as in claim 1 wherein the controller comprises a server.

13. The system as in claim 1 wherein the controller comprises an Internet server.

14. The system as in claim 1 further comprising a user database adapted to store the personal information.

15. The system as in claim 1 further comprising an administrative database adapted to store the administrative information.

16. The system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller.

17. The system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller.

18. The system as in claim 1 wherein the personal information comprises a lottery number.

19. The system as in claim 1 wherein the administrative information comprises a winning lottery number.

20. A method for providing personalized notification comprising:
comparing personal information and administrative information related to an event a user is participating in; and
sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

21. The method as in claim 20 wherein the event is a lottery.

22. The method as in claim 20 wherein the event is a sports or entertainment event.

23. The method as in claim 20 wherein the event is an educational event.

24. The method as in claim 20 wherein the event is an exam.

25. (Cancelled).

26. (Cancelled).

27. The method as in claim 20 further comprising sending the notification via email.

28. The method as in claim 20 further comprising sending the notification via a daytime telephone number.

29. The method as in claim 20 further comprising sending the notification via a nighttime telephone number.

30. The method as in claim 20 further comprising sending the notification via facsimile.

31. The method as in claim 20 further comprising storing the personal information.

32. The method as in claim 20 further comprising storing the administrative information.

33. The method as in claim 20 wherein the personal information comprises a lottery number.

34. The method as in claim 20 wherein the administrative information comprises a winning lottery number.

35. A programmed medium adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

36. The programmed medium as in claim 35 wherein the event is a lottery.

37. The programmed medium as in claim 35 wherein the event is a sports or entertainment event.

38. The programmed medium as in claim 35 wherein the event is an educational event.

39. The programmed medium as in claim 35 wherein the event is an exam.

40. (Cancelled).

41. (Cancelled).

42. The programmed medium as in claim 35 further adapted to send the notification via email.

43. The programmed medium as in claim 35 further adapted to send the notification via a daytime telephone number.

44. The programmed medium as in claim 35 further adapted to send the notification via a nighttime telephone number.

45. The programmed medium as in claim 35 further adapted to send the notification via facsimile.

46. The programmed medium as in claim 35 further adapted to store the personal information.

47. The programmed medium as in claim 35 further adapted to store the administrative information.

48. The programmed medium as in claim 35 wherein the personal information comprises a lottery number.

49. The programmed medium as in claim 35 wherein the administrative information comprises a winning lottery number.

50. The programmed medium as in claim 35 wherein the medium comprises a CD.

51. The programmed medium as in claim 35 wherein the medium comprises a magnetic storage device.

52. The programmed medium as in claim 35 wherein the medium comprises a digital storage device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/835,376

Filing Date: April 17, 2001

Applicant: David A. JABLOW

Group Art Unit: 2155

Examiner: Shawki S. Ismail

Title: METHODS AND SYSTEMS FOR PROVIDING
PERSONALIZED NOTIFICATION

Attorney Docket: 129250-000902/US

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March 22, 2007

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Mail Stop -APPEAL BRIEF-PATENT

**NOTICE REGARDING PREVIOUS PAYMENT OF APPEAL BRIEF FEE & REQUEST
FOR REFUND OR CREDIT OF NOTICE OF APPEAL FEE**

Sir:

In connection with the filing of Applicant's Appeal Brief on March 22, 2007 the Applicant notes that no appeal brief fee is believed due because this is the second appeal brief the Applicant has filed; the first brief having been withdrawn based on the Examiner's re-opening of prosecution after the Applicant had paid the appeal brief fee.

More specifically, in accordance with MPEP 1208.02 and related regulations under 37 CFR 1.193 *et seq*, no fee is believed due in conjunction with filing of the Applicant's instant appeal brief.


Further, Applicant respectfully requests that the \$500 Notice of Appeal (NOA) fee paid by Applicant on January 22, 2007 be refunded or credited to his Deposit Account, No, 50-3777 because a previous NOA and fee had also been filed and paid for prior to the Examiner's re-opening of prosecution.

For the sake of completeness, if the Commissioner determines an appeal brief fee is due, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional appeal brief fees required as well as fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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